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FM AMEMBASSY KUALA LUMPUR

TO RUEHC/SECSTATE WASHDC IMMEDIATE 0309
INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY
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RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 KUALA LUMPUR 001663

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TAGS: PGOV PHUM KDEM MY

SUBJECT: GOVERNMENT WARNS ON FUTURE PROTESTS, TAKES LEGAL ACTION AGAINST NOV. 25 DEMONSTRATORS

REF: A. KUALA LUMPUR 1647 - POLICE BREAK UP PROTEST

- 1B. KUALA LUMPUR 1646 - ARRESTS AHEAD OF RALLY
- 1C. KUALA LUMPUR 1613 - BERSIH RALLY DRAWS TENS OF THOUSANDS
- 1D. KUALA LUMPUR 1458 - LAWYERS MARCH IN PUTRAJAYA

Classified By: Political Section Chief Mark D. Clark
for reasons 1.4 (b and d).

Summary

11. (C) In the aftermath of the November 25 ethnic Indian street demonstration, which police forcibly dispersed, the Malaysian government has raised the stakes for its critics who proceed with public rallies in defiance of government bans. Prime Minister Abdullah Badawi warned the nation on November 27 that it may become necessary for the Government to invoke the Internal Security Act to halt anti-government demonstrations that threaten "peace and harmony." Prominent government figures spoke out against the recent street demonstrations and reiterated calls for the use of the ISA against those threatening the peace of the country through street demonstrations. Police detained a prominent leader from the Hindu Rights Action Force (HINDRAF) and interrogated him for eight hours on allegations of seditious behavior and speech. Eighty-eight persons have been charged in Malaysian criminal courts for participating in the November 25 demonstration and all have asked for trial on all charges. The Government has promised to seek financial compensation from HINDRAF leaders for costs borne by the state to react to the November 25 demonstration. Despite warnings from the government, three more public rallies are planned for the month of December. The government and its critics appear to be on a collision course over street demonstrations. End Summary.

PM Warns He Will Use ISA if Necessary

12. (SBU) Following the November 25 street demonstration by the Hindu Rights Action Force (HINDRAF), pro-government commentators from around the country began calling for the use of the Internal Security Act (ISA), and its detention without trial provisions, to arrest those defying government orders banning street protests. On November 27, Prime Minister Abdullah Badawi joined those voices, warning the nation that it may become necessary for the Government to invoke the ISA to control street demonstrations: "The ISA is a preventive measure to protect the nation from incidents that can harm the prevailing peace and harmony and create all sorts of adverse situations. It will be used only when appropriate. Right now the government is leaving it to the police to evaluate the situation and take measures to guarantee peace and security," Abdullah said.

¶ 3. (SBU) Abdullah's comments regarding the possible use of the ISA opened the gates for more government officials to make similar comments. UMNO Youth chief and Education Minister Hishamuddin Hussein warned that HINDRAF's actions could lead to racial conflict and encouraged the Prime Minister to use the ISA. "I hope authorities will take stern action and the prime minister is willing to use the Internal Security Act in this manner. To us (UMNO Youth), HINDRAF is a group that simply makes wild and baseless accusations to incite racial hatred," explained Hishamuddin. Similarly, Deputy Internal Security Minister Mohd Johari Baharom announced the GOM could use the ISA against HINDRAF organizers. In addition, he explained to the press on November 29 that the GOM would seek damages from HINDRAF leaders to compensate the government for damage to public property and other expenses incurred by the GOM

Police Interrogate Lawyer, Others Expect Arrest

¶ 4. (SBU) Just one day after Abdullah's comments were printed in the press and less than a week after sedition charges were thrown out on a technicality (see ref A), police detained one of HINDRAF's key leaders, lawyer VS Ganapathi Rao, and for eight hours interrogated him concerning allegedly seditious statements he had made at a HINDRAF meeting in the central Malaysian city of Seremban. Although police released Ganapathi at the end of the day, HINDRAF leaders P. Uthayakumar and P. Waythmoorthy have both told the press that they expect to be arrested again any day and recharged under Malaysia's sedition act. Malaysia's attorney general has also filed an appeal regarding the dismissal of sedition charges filed last week with the High Court of Malaya.

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GOM Charges 88 for November 25 Protest

¶ 5. (SBU) A total of 88 people who participated in the November 25 street protest have been charged in Malaysian courts, accused of displaying a show of criminal force and for attending an unlawful assembly. All 88 persons have pleaded innocent and requested a trial on all charges. Former IVP candidate N. Gobalakrishnan who serves as a supreme council member in Anwar Ibrahim's People's Justice Party is among those charged. After posting bail, Gobalakrishnan re arrested on charges of sedition concerning a speech he made in the state of Penang.

Address Indian Grievances through Existing Channels

¶ 6. (SBU) Local media reported that following the weekly cabinet meeting on November 28, Prime Minister Abdullah instructed Malaysian Indian Congress (MIC) leader and senior cabinet member Samy Vellu to set up a special committee within the party to analyze and address socio-economic problems faced by the Indian community and to make a detailed report to the PM. Since the November 25 rally, Abdullah has reiterated the need for equity among the races, but has encouraged all parties to work within the Barisan Nasional (National Front) coalition's system to air their grievances and raise attention to their struggles.

Muslim Youth Slam HINDRAF, but Defend Civil Liberty

¶ 7. (SBU) The Muslim Youth Movement of Malaysia (ABIM), an influential and predominantly Malay group formerly organized and led by Anwar Ibrahim, has also released a statement on the recent street demonstrations. ABIM criticized the race-based rhetoric in HINDRAF's earlier statements and called some of the statements unjustified and seditious. ABIM urged Malaysians not to take actions which could

jeopardize the "peace, harmony, public order and safety in the country." Nevertheless, ABIM reiterated that "freedom of assembly and expression are recognized fundamental rights under our Constitution and should generally be exercisable by all citizens."

Bar Council: ISA Warning "Draconian"

¶ 18. (SBU) The Malaysian Bar Council and prominent opposition leaders strongly criticized PM Abdullah's threat to use the ISA against organizers and participants of peaceful public assemblies. Bar Council vice president R. Kesavan opined that Abdullah was only trying to create fear in order to prevent further protests, but that such warnings and actions were "draconian" and could only be considered "regressive and counterproductive." Malaysian Human Rights NGO Suaram released a statement which argued that "Abdullah's threat to use the ISA will anger the public more. They are already facing injustices." Even the maverick UMNO parliamentarian Zaid Ibrahim declared that Abdullah's threat to use the ISA "shows the arrogance of the people in power."

Three More Public Demonstrations Planned

¶ 19. (SBU) Local media reports three more street demonstrations are already planned for the month of December. On December 9, the Malaysian Bar Council plans to hold its annual Human Rights Day march in central Kuala Lumpur. The Human Rights Day march has received police permits and assistance in the past. The Coalition for Free and Fair Elections (BERSIH), the umbrella group that on November 10 staged Malaysia's largest political protest in nine years, has expressed interest in joining the march. BERSIH has also announced that it intends to hold a demonstration outside of Parliament on December 11 to protest against a constitutional amendment currently before Parliament which seeks to raise the mandatory retirement age of Election Commission Members to 66 (seen as a government move to keep the current EC chairman in place for the national election). Finally, the Democratic Action Party (DAP) is planning a third rally (date and venue not yet announced) to protest impending hikes in highway toll charges set to come into effect in several states on January ¶ 11. In the past, DAP, the Malaysian Islamic Party (PAS), and the People's Justice Party (PKR) have all jointly participated in protests over toll hikes, and the protest will certainly include members of all these parties as well as activist NGOs.

Comment

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¶ 10. (C) The government and its critics appear to be on a collision course over street demonstrations. Given the tactical success of recent public protests, the political opposition and supporters of expanded civil liberties seem intent on holding further public rallies. There will be an incentive to continue such demonstrations in the run-up to the pending national election. On the other hand, the GOM has signaled its readiness to play its trump card -- the ISA -- to halt the emerging pattern of anti-government rallies. Unlike his predecessor Mahathir, PM Abdullah has not yet used the ISA for political purposes. There are reasons for Abdullah to be cautious about employing ISA because such a move could create martyrs out of opposition leaders and would risk international condemnation. Nevertheless, there will be strong pressures on Abdullah to back up his ISA threat if, as now appears to be happening, opposition politicians and civil society activists move to carry out further large street demonstrations.

KEITH